

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 10/681,888	)	Confirmation No. 9577
	)	
Filed: October 9, 2003	)	
	)	
Applicants: Stephan W. WEGERICH et al.	)	This document was electronically
	)	filed on May 1, 2009, using the
	)	U.S. Patent and Trademark
Title: DIAGNOSTIC SYSTEMS AND	)	Office's EFS Web
METHODS FOR PREDICTIVE	)	
CONDITION MONITORING	)	
	)	
Art Unit: 2857	)	
	)	
Examiner: Carol S. W. Tsai	)	
	)	
	)	
Attorney Docket: 7060/83813	)	
(086470-9037)	)	
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Customer No.: 22242	)	
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Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

While the applicants are appreciative of the Examiner's recent Notice of Allowance, and agree with much of the Examiner's Statement of Reasons for Allowance, applicants must object to at least certain portions of the Examiner's statement.

EXAMINER'S STATEMENT

The Examiner recited the following statement:

U.S. Publication 2002/0152056 to Herzog et al. is the reference closest to the claimed invention. Herzog et al. discloses a method for diagnosing faults in a monitored system, comprising the steps of: comparing for similarity monitored parameter data from said system to reference parameter data characteristic of known behavior of said system; generating estimates of the monitored parameter data based on the similarity comparison; generating alerts in response to a comparison of said estimates to said monitored data; and *identifying an impending failure mode in said system by matching said parameter alerts with at least one reference alert pattern associated with said failure mode.*

Notice of Allowance and Fee(s) Due, Allowable Subject Matter, ¶6 (emphasis added). The Examiner repeats this language relative to several allowed claims. Within each of paragraphs 6-8, after reciting the above language, the Examiner asserts that Herzog et al. does not teach further features recited in claims 18, 47, and 35, respectively. Within paragraph 9, after reciting this language, the Examiner states that an affidavit signed by the Herzog et al. inventors and filed May 1, 2008 can overcome the reference.

REMARKS

First, Herzog et al. is not § 102(a) prior art as to any claims because the invention of the present application occurred before the invention disclosed in the Herzog publication was known, used, or patented. The Examiner, in paragraph 9, admits that Herzog et al. is not §102(a) prior art by acknowledging that the inventor's affidavit overcomes the rejection.

Separately, Applicants object to the Examiner's characterization of the Herzog et al. reference. Herzog et al. does not teach the step of "identifying an impending failure mode in said system by matching said parameter alerts with at least one reference alert pattern."

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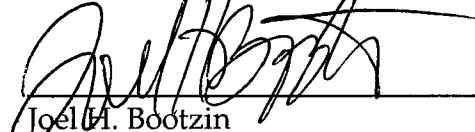
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants refer the Examiner to the remarks on page 28 of the Superseding Amendment and Response filed May 1, 2008.

Applicants respectfully request that these Comments be entered of record in the present application.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY


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